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Paper No. 14

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Nagasawa)	
Application No.: 09/604,632)	
Filed: June 27, 2000)	
Attorney Docket No.: 450100-02579)	
For: SIGNAL INPUT AND OUTPUT)	DECISION GRANTING PETITION
APPARATUS THAT DISCRIMINATES)	TO ACCEPT CORRESPONDENCE AS
BETWEEN PLURALITY OF DIFFERENT)	TIMELY FILED UNDER 37 CFR §1.8
DEVICES EACH ISSUING UNIQUE)	
CONTROL SIGNALS SUBSTANTIALLY)	
SIMULTANEOUSLY THROUGH SINGLE)	
TRANSMISSION PATH)	

This decision is in response to the request for withdrawal of holding of abandonment of this application filed on September 11, 2003. The request is being considered a petition to accept papers as timely filed under 37 CFR §1.8. This application was abandoned for failure to the issue fee that was due July 22, 2003 in response to the Notice of Allowance mailed April 22, 2003 (Paper No. 9).

In support of the petition, petitioner has provided (1) a copy of the post card receipt with a date of June 9, 2003 listing a preliminary amendment, a check and RCE request, (2) a copy of the Request for Continued Examination, (3) a copy of the check, and (4) a copy of the preliminary amendment responding to the examiner's amendment dated April 22, 2003. In a telephone conversation on October 28, 2003, Mr. Kessler confirmed the preliminary amendment inadvertently indicated the response was to an Advisory Action rather than to the Examiner's Amendment and Notice of Allowance.

"A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon" (see MPEP § 503). In addition, a review of the file wrapper and the fee records reveals the RCE and amendment filed June 9, 2003 have now been matched to the file. Therefore, the evidence establishes that a timely response was, in fact, filed on June 9, 2003. The abandonment was the result of the Office failing to timely match the response to the application file.

The petition is **GRANTED**. The application was not abandoned, in fact. The Office regrets any inconvenience caused by this error.

The application file is being forwarded to the Technology Center support staff for processing of the RCE and amendment. Thereafter, the file will be forwarded to the examiner for consideration of applicant's response.

Josie A. Ballato

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